

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4343 of 2006()

CRA.533/2004 of ADDL. SESSIONS COURT (ADHOC),
FAST TRACK COURT NO.I, THRISSUR
ST.1949/2001 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR
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REVN. PETITIONER: APPELLANT/ACCUSED

BENNY VARGHESE,
KUNNATH HOUSE, KEEZHILLAM,
RAYAMANGALAM, PERUMBAVOOR.

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. MANAPPURAM GENERAL & FINANCE LEASING
LTD., REPRESENTED BY POWER OF ATTORNEY HOLDER
AND JUNIOR ASSISTANT, S/O. VASUDEVAN PERINJANAM.

BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4343 of 2006

Dated this the 7th day of December, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of one month and to pay a sum of Rs.11,700/- as compensation to the complainant and in default of payment of compensation, to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction and sentence and dismissed the appeal.

2. The learned counsel for the petitioner submits that the petitioner is prepared to pay the compensation amount within a reasonable time and that it is too harsh to sentence him to undergo imprisonment for a period of one month. Since the conviction is not being interfered with, I do not think it is necessary to issue notice to the second respondent/complainant. Taking into account the facts and circumstances of the case, I am inclined to reduce the sentence, to imprisonment till the rising of

the court and also to grant one months' time to pay the compensation amount.

In the result, this Crl.R.P. is allowed in part and disposed of in the following manner:

- (i) The conviction of the petitioner is confirmed.
- (ii) The sentence of imprisonment is modified and reduced to imprisonment till the rising of the court.
- (iii) The direction to pay the compensation of Rs.11,700/- and the default sentence are confirmed. However, one month's time is granted to the petitioner to pay the compensation amount.
- (iv) the default sentence in respect of compensation shall be kept in abeyance for a period of one month.

**K.T.SANKARAN,
JUDGE**

csl

